

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Mark et al. ATTY. DOCKET NO.: P97,1036
SERIAL NO: 09/025,363 GROUP ART UNIT: 1616
FILED: February 18, 1998 EXAMINER: S. Sharareh
INVENTION: "CALORICALLY DENSE NUTRITIONAL COMPOSITION"

Assistant Commissioner of Patents

Washington, D.C. 20231

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RESPONSE AFTER FINAL

SIR:

Please enter the following Response After Final in the above-identified patent application.

REMARKS

This Response After Final is submitted in response to the Office Action mailed on September 14, 1999. Applicants respectfully request that to the extent that the Examiner maintains any of the rejections set forth in the Office Action that the Examiner confer with his supervisor as to the appropriateness of the rejection. In this regard, Applicants respectfully submit that clearly the rejections are not proper as a matter of law and fact. Further, Applicants question whether the Office Action is complete and/or meets the requirements of patent application examining practice mandated by the Patent Office.

At the outset, Applicants note that the Manual of Patent Examining Practice (MPEP) requires that all Office Actions must be complete. MPEP 707.07. The Examiner must consider and address all arguments made by the Applicant. MPEP 707.07. For example, MPEP 707.07(e) states: